OIPE JC100 MAR 11 2004 PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	**Tracee Eidenschink, John Peckham**
Application No.:	**10/728516**
Filed:	**December 5, 2003**
For:	**Detachable Segment Stent**
Examiner:	**Not Yet Assigned**
Group Art Unit:	**Not Yet Assigned**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2B-11293-US01

TRANSMITTAL LETTER

1. In regard to the above-identified application, in addition to this **2** page transmittal letter, we are submitting the attached:
 4page Information Disclosure Statement; 2 page list of references; and Postcard.

2. With respect to fees:
 - ■ No additional fee is required.
 - □ Attached is check(s) in the amount of $
 - ■ Charge additional fee to our Deposit Account No. 22-0350.

3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**
 This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.

4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350.

Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: March 8, 2004

By: _____
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Registration No.: 53170

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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 8, 2004.

Charlene M. Burt

OIPE
MAR 11 2004
PATENT & TRADEMARK OFFICE
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INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, ***except that*** U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

__X__ **I.** This statement qualifies as a no-fee Information Disclosure Statement under *37 C.F.R. §1.97(b)* or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

__X__ (1) within 3 months of the filing date of the application (other than a CPA); or

_____ (2) within 3 months of entry of the national stage; or

__X__ (3) before the mailing of a first Office Action on the merits;

_____ (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;

_____ (5) as part of a continued prosecution application (CPA); or

_____ (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

_____ **II.** This statement is believed to require a fee or the submission of a certification under *37 C.F.R. §1.97 (c)* or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

_____ (1) a certification as specified in §1.97(e) is provided below; or

_____(2) a fee of $180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

_____ **III.** *37 C.F.R. §1.97(d).* If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

_____ (1) a certification as specified in §1.97(e) is completed below; and

_____(2) a fee of $180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

__X__ **IV.** *Fee Authorization.* If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

_____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

_____ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

_____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: March 8, 2004

By: _____
Jeremy G. Laabs
Registration No.: 53170

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Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY DOCKET NO.: S63.2B-11293-US01	APPLICATION NO.: 10/728516
	APPLICANT: Tracee Eidenschink, John Peckham	
	FILING DATE: December 5, 2003	GROUP: Not Assigned

REFERENCE DESIGNATION		U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS				
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,091,205	02/25/1992	Fan	427/2	
	AB	5,122,136	06/16/1992	Guglielmi et al.	606/32	
	AC	5,423,829	06/13/1995	Pham et al.	606/108	
	AD	5,643,254	07/01/1997	Scheldrup et al.	606/32	
	AE	5,653,727	08/05/1997	Wiktor	606/195	
	AF	5,755,770	05/26/1998	Ravenscroft	623/1	
	AG	5,824,046	10/20/1998	Smith et al.	623/1	
	AH	5,873,907	02/23/1999	Frantzen	623/1	
	AI	5,984,929	11/16/1999	Bashiri et al.	606/108	
	AJ	6,039,757	03/21/2000	Edwards et al.	623/1	
	AK	6,059,779	05/09/2000	Mills	606/41	
	AL	6,059,823	05/09/2000	Holman et al.	623/1	
	AM	6,077,260	06/20/2000	Wheelock et al.	606/32	
	AN	6,156,061	12/05/2000	Wallace et al.	623/1.11	
	AO	6,165,178	12/26/2000	Bashiri et al.	606/108	
	AP	6,168,618 B1	01/02/2001	Frantzen	623/1.12	
	AQ	6,193,708 B1	02/27/2001	Ken et al.	606/1	
	AR	6,217,586 B1	04/17/2001	Mackenzie	606/108	
	AS	6,231,597 B1	05/15/2001	Deem et al.	623/1.12	
	AT	6,254,609 B1	07/03/2001	Vrba et al.	606/108	
	AU	6,331,184 B1	12/18/2001	Abrams	606/200	
	AV	6,350,277 B1	02/26/2002	Kocur	623/1.11	
	AW	2002/0038132 A1	03/28/2002	Abrams	606/200	
	AX	6,409,752 B1	06/25/2002	Boatman et al.	623/1.15	
	AY	6,425,893 B1	07/30/2002	Guglielmi	606/32	
	AZ	6,425,914 B1	07/30/2002	Wallace et al.	623/1.11	

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO/SB/08A (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
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REFERENCE DESIGNATION		U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS				
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	2002/0107560 A1	08/08/2002	Richter	623/1.11	
	AB	2002/0111671 A1	08/15/2002	Stenzel	623/1.16	
	AC	6,468,266 B1	10/22/2002	Bashiri et al.	606/1	
	AD	6,475,235 B1	11/05/2002	Jayaraman	623/1.15	
	AE	2002/0188341 A1	12/12/2002	Elliott	623/1.1	
	AF	2002/0188347 A1	12/12/2002	Mathis	623/1.19	
	AG	6,494,884 B2	12/17/2002	Gifford, III et al.	606/108	
	AH	2002/0014073 A1	01/16/2003	Bashiri et al.	606/200	
	AI	6,520,984 B1	02/18/2003	Garrison et al.	623/1.11	
	AJ	6,533,806 B1	03/18/2003	Sullivan et al.	623/1.11	
	AK	6,562,067 B2	05/13/2003	Mathis	623/1.16	
	AL	6,579,308 B1	06/17/2003	Jansen et al.	623/1.15	
	AM	2003/0144725 A1	07/32/2003	Lombardi	623/1.13	
	AN	6,607,539 B1	08/19/2003	Hayashi et al.	606/108	
	AO	6,613,077 B2	09/02/2003	Gilligan et al.	623/1.12	
	AP	6,620,152 B2	09/16/2003	Guglielmi	606/1	
	AQ	2003/0199965 A1	10/23/2003	Jansen et al.	623/1.11	
	AR					
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